

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

[REDACTED]	)	
	)	
Plaintiff,	)	
v.	)	No. [REDACTED]
	)	
CITY OF CHICAGO, a Municipal Corporation,	)	JUDGE PALLMEYER
CHICAGO POLICE DETECTIVE ANTHONY	)	
AMATO, Star No. 20511, CHICAGO POLICE	)	
OFFICER VICTOR RIVERA, Star No. 13011,	)	
CHICAGO POLICE OFFICER J. LOPEZ, Star	)	
No. 809, AND VARIOUS UNKNOWN	)	
OFFICERS OF THE CITY OF CHICAGO, a	)	
a Municipal Corporation, Individually and as an	)	
Employee/Agent of the CITY OF CHICAGO, a	)	
Municipal Corporation,	)	
	)	
Defendants.	)	

**DEFENDANTS' UNOPPOSED MOTION TO VACATE JUDGMENT**

Defendants City of Chicago, Detective Anthony Amato, Officer Victor Rivera and Sergeant Jose Lopez, by their respective attorneys, and pursuant to Fed.R.Civ.P. 60(b)(5), move this Court to vacate the judgment entered against them and in favor of the plaintiff on June 14, 2012. In support of their motion, defendants state as follows:

1. On June 7, 2012, defendants made a Fed. R. Civ. P. 68 offer of judgment to plaintiff for \$50,001.00, plus reasonable attorneys' fees and costs accrued to the date of the offer in an amount to be determined by the Court. Plaintiff filed his acceptance of defendants' offer of judgment on June 13, 2012. (Doc. #39).

2. On June 14, 2012, the Court entered a judgment against defendants and in favor of the plaintiff in the total amount of \$50, 001.00, plus reasonable attorneys' fees and costs accrued to the date of the offer in an amount to be determined by the Court. (Doc. # 42).

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3. Rather than engage in further litigation over the attorneys' fees and costs specified in defendants' offer of judgment, and in the interest of judicial economy, the parties entered into negotiations regarding plaintiff's attorneys' fees and costs that had accrued to the date of the offer. On or about July 11, 2012, the parties reached an agreement on plaintiff's attorneys' fees and costs in the total amount of \$9,300.00

4. As part of the negotiations, plaintiff agreed to vacate the judgment entered by the Court on June 14, 2012 in consideration of a release and settlement agreement encompassing both the judgment amount of \$50,001.00 and the agreed attorneys' fees and costs amount of \$9,300.00, so long as payment of the judgment amount was not delayed.

5. The parties have entered into an release and settlement agreement and stipulation to dismiss in which plaintiff agrees to vacate the June 14, 2012 judgment entered by the Court and to dismiss all his claims against the defendants with prejudice in consideration of a settlement in the total amount of \$50,001.00, with costs and attorneys' fees in the total amount of \$9,300.00. The parties' Stipulation to Dismiss is attached hereto.

6. In accordance with the terms of the release and settlement agreement, the total settlement amount with costs and attorneys' fees as specified in paragraph 5 will be paid in full satisfaction by the City of Chicago.

7. Plaintiff's attorney, Victor P. Henderson, has been consulted regarding this motion and has no objection thereto.

8. A proposed order to vacate the June 14, 2012 judgment and effect the settlement is attached hereto.

WHEREFORE, Defendants City of Chicago, Detective Anthony Amato, Officer Victor Rivera and Sergeant Jose Lopez, respectfully request this Court to enter an order vacating the judgment entered on June 14 , 2012 against defendants City of Chicago, Detective Anthony Amato, Officer Victor Rivera and Sergeant Jose Lopez, and in favor of plaintiff, [REDACTED] and dismissing plaintiff's claims against defendants with prejudice and with costs and attorneys fees to be paid by the City of Chicago in accordance with the terms of the Release and Settlement Agreement.

Respectfully submitted,

Stephen R. Patton  
Corporation Counsel  
City of Chicago

BY: /s/ Christopher A. Wallace  
Christopher A. Wallace  
Assistant Corporation Counsel  
for Defendant City  
30 N. LaSalle Street - Suite 900  
Chicago, IL 60602  
(312) 742-6408

/s/ Joseph M. Polick  
Joseph M. Polick  
Chief Assistant Corporation Counsel  
For Defendants Amato, Rivera and Lopez  
30 N. LaSalle Street - Suite 900  
Chicago, IL 60602  
(312) 744-8335

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

[REDACTED]  
Plaintiff,

vs.

CITY OF CHICAGO, a Municipal Corporation, CHICAGO  
POLICE DETECTIVE ANTHONY AMATO, Star No. 20511,  
CHICAGO POLICE OFFICER VICTOR RIVERA, Star No.  
13011, CHICAGO POLICE OFFICER J. LOPEZ, Star No.  
809, AND VARIOUS UNKNOWN OFFICERS OF THE  
CITY OF CHICAGO, a Municipal Corporation, Individually  
and as an Employee/Agent of the CITY OF CHICAGO, a  
Municipal Corporation,

Defendants.

No. [REDACTED]

JUDGE PALLMEYER

STIPULATION TO DISMISS

IT IS HEREBY STIPULATED AND AGREED by and between the parties hereto, by their respective attorneys of record, that the judgment entered by the Court on June 14, 2012 against the defendants and in favor of the plaintiff is vacated, that this matter has been settled pursuant to the Release and Settlement Agreement executed by the parties and, therefore, this cause should be dismissed with prejudice and with costs and attorneys' fees to be paid by the City of Chicago in accordance with the terms of the Release and Settlement Agreement and the Agreed Order of Dismissal.



Victor P. Henderson  
Attorney for plaintiff  
Henderson Adam, LLC  
330 South Wells Street - Suite 1410  
Chicago, IL 60606  
(312) 262-2900  
Attorney No. 48932

Date: 6 August 2012



Joseph M. Polick  
Chief Assistant Corporation Counsel  
Attorney for Defendants Amato, Rivera and Lopez  
30 North LaSalle Street - Suite 900  
Chicago, Illinois 60602  
(312) 744-8335  
Attorney No. 06203682

Date: 8-7-12

Respectfully submitted,

CITY OF CHICAGO  
a Municipal Corporation

STEPHEN R. PATTON  
Corporation Counsel  
City of Chicago

BY: 

Christopher A. Wallace  
Assistant Corporation Counsel  
Attorney for Defendant City  
30 North LaSalle Street - Suite 900  
Chicago, Illinois 60602  
(312) 742-6408  
Attorney No. 06278655

Date: 8/7/12

C.R.# 1051475

ATTACHMENT 25

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

[REDACTED]	)	
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Plaintiff,	)	
v.	)	No. [REDACTED]
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CITY OF CHICAGO, a Municipal Corporation,	)	JUDGE PALLMEYER
CHICAGO POLICE DETECTIVE ANTHONY	)	
AMATO, Star No. 20511, CHICAGO POLICE	)	
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Municipal Corporation,	)	
	)	
Defendants.	)	

AGREED ORDER OF DISMISSAL

This matter coming before the Court on the Stipulation of the parties, the parties having reached agreement to settle this matter, and the respective parties being represented by counsel, plaintiff, [REDACTED] by one of his attorneys, Victor P. Henderson, and defendants, City of Chicago, by its attorney, Stephen R. Patton, Corporation Counsel of the City of Chicago, and Anthony Amato, Victor Rivera and Jose Lopez, by one of their attorneys, Joseph M. Polick, Chief Assistant Corporation Counsel, and the parties having entered into a Release and Settlement Agreement and Stipulation to Dismiss, the Court being otherwise fully advised in the premises, hereby incorporates the terms of the Release and Settlement Agreement herein and further orders as follows:

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1. The judgment entered on June 14 , 2012 against defendants City of Chicago, Detective Anthony Amato, Officer Victor Rivera and Sergeant Jose Lopez, and in favor of plaintiff, [REDACTED] in the total amount of \$50,001.00, plus reasonable attorneys' fees and costs in an amount to be determined by the Court is hereby vacated.

2. All of the claims of plaintiff, [REDACTED] against defendants, City of Chicago, Anthony Amato, Victor Rivera and Jose Lopez, are dismissed with prejudice and with costs and attorneys fees to be paid by the City of Chicago in the amount specified in paragraph 5 of the Release and Settlement Agreement, in accordance with the terms of the Release and Settlement Agreement.

ENTER: \_\_\_\_\_  
The Honorable Rebecca R. Pallmeyer  
United States District Judge

DATED: \_\_\_\_\_

Joseph M. Polick  
Chief Assistant Corporation Counsel  
30 North LaSalle Street - Suite 900  
Chicago, Illinois 60602  
(312) 744-8335  
Attorney No. 06203682